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HARRISBURG, PA DEPUTY CL

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**PENNSYLVANIA PROTECTION AND
ADVOCACY, INC.**

Plaintiff

v.

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No. 1:00-CV-01582

DEPARTMENT OF PUBLIC WELFARE, et al.: (Judge Caldwell)

Defendants

MOTION FOR SUMMARY JUDGMENT

Pursuant to Rule 56 of the Federal Rules of Civil Procedure, defendants move the Court to enter summary judgment in their favor. There is no dispute of material fact in this case and defendants are entitled to judgment as a matter of law.

WHEREFORE, the motion for summary judgment should be granted.

Respectfully submitted,

D. MICHAEL FISHER
Attorney General

BY:



MICHAEL L. HARVEY
Senior Deputy Attorney General

SUSAN J. FORNEY
Chief Deputy Attorney General
Chief, Litigation Section

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DATE: February 11, 2002

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**PENNSYLVANIA PROTECTION AND
ADVOCACY, INC.**

Plaintiff

v.


DEPARTMENT OF PUBLIC WELFARE, et al.: (Judge Caldwell)

Defendants

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: **No. 1:00-CV-01582**
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CERTIFICATE OF NONCONCURRENCE

I, Michael L. Harvey, Senior Deputy Attorney General, hereby certify that I sought concurrence in the foregoing motion from plaintiff's counsel and counsel did not concur.



MICHAEL L. HARVEY
Senior Deputy Attorney General

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

PENNSYLVANIA PROTECTION AND
ADVOCACY, INC.

Plaintiff

v.

DEPARTMENT OF PUBLIC WELFARE, et al.: (Judge Caldwell)

Defendants


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: No. 1:00-CV-01582
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CERTIFICATE OF SERVICE

AND NOW, this 11th day of February, 2002 I, MICHAEL L. HARVEY,
Senior Deputy Attorney General, counsel for defendants in the above-captioned
action, hereby certify that I this day served the foregoing **Motion for Summary
Judgment** by causing a copy of the same to be deposited in the United States
mail, postage prepaid, at Harrisburg, Pennsylvania, addressed to the following:

Robert W. Meek
Disabilities Law Project
1315 Walnut Street, Suite 400
Philadelphia, PA 19107-4798

Mark J. Murphy
Disabilities Law Project
1901 Law and Finance Building
429 Fourth Avenue
Pittsburgh, PA 15219-1505


MICHAEL L. HARVEY
Senior Deputy Attorney General